

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

SIMONE CALVAS,

Plaintiff,

v.

Case No. 08-CV-11656

19TH DISTRICT COURT, GARY DODGE,
CHIEF JUDGE MARK W. SOMERS, and
JOHN AND JANE DOES

Defendants.

**ORDER GRANTING EXTENSION OF TIME FOR RESPONSE TO DEFENDANT'S
MOTION FOR SUMMARY JUDGMENT AND GRANTING DEFENDANT'S MOTION
TO STAY DISCOVERY**

The court has received a stipulation proposing to extend time until November 14, 2008, for Plaintiff to respond to Defendant's motion for summary judgment. Plaintiff's counsel, the court is informed, has very recently learned that he will be unavailable for a period of time due to anticipated recovery from surgery. The court observes that Defendant's motion has been pending since August 21, 2008, and that a response was due as of September 11, 2008. The proposed extension, dated September 22, 2008, was presented when the response was already nearly two weeks late, and the lack of response does not appear to have been related to Plaintiff's counsel's very recent illness. Also before the court is Defendant's motion to stay discovery pending resolution of the motion, filed September 4, 2008 [Dkt. #15]. There has been no response in opposition.

The court finds that a time extension for a response to the motion totaling seven weeks from the original date, i.e., until October 23, 2008, is adequate and appropriate. The court presumes that Plaintiff's counsel has one or more associates in practice or an

administrative staff, or both, who will monitor the progress of this case and the health of Plaintiff's counsel and communicate with Defendant's counsel as needed.

In the event that no response has been filed by October 23, 2008, due to Plaintiff's counsel's continuing ill health or any other reason, and if by then no other attorney has been authorized to proceed with the case and filed an appearance, the court gives notice that it will consider dismissing the case without prejudice for failure to prosecute. See E.D. Mich. LR 41.2. In the event that the court enters such a dismissal without prejudice, the rights of the parties would be fully preserved and Plaintiff would be permitted to file a notice of reinstatement of the case (along with a response to the pending motion) without any additional filing fee if such action is taken within 180 days of the court's order of dismissal. Accordingly,

IT IS ORDERED that the time for Plaintiff to respond to the pending motion for summary judgment is EXTENDED until **October 23, 2008**, and the hearing regarding the motion will be rescheduled.

IT IS FURTHER ORDERED that Defendant's motion to stay discovery pending resolution of the motion [Dkt. #15] is GRANTED.

S/Robert H. Cleland
ROBERT H. CLELAND
UNITED STATES DISTRICT JUDGE

Dated: September 25, 2008

I hereby certify that a copy of the foregoing document was mailed to counsel of record on this date, September 25, 2008, by electronic and/or ordinary mail.

S/Lisa Wagner
Case Manager and Deputy Clerk
(313) 234-5522